Alberta Energy Regulator

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Proceeding 432

September 25, 2023

By e-mail only

MLC Group Inc.
Attention: Chris Nicholas, President

RE: Reconsideration of the Alberta Energy Regulator's Decision, Dated April 20, 2022
Amended Application No.: 1932335 dated January 14, 2022
Qualico Developments West Ltd.
Reconsideration No.: 1940992
Decision on Participation of MLC Group Inc. (MLC)

Dear: Chris Nicholas:

I am writing on behalf of the Alberta Energy Regulator (AER) panel of hearing commissioners presiding over proceeding 432 (the panel). The panel has decided to permit MLC's participation in the hearing of the application, limited to filing written submissions, speaking to its submissions in the hearing and being available for questioning by the panel and parties adverse in interest to MLC.

On July 13, 2023, the AER issued a notice of hearing to reconsider its April 20, 2022, decision on amended application no. 1932335 brought by Qualico Developments West Ltd. (Qualico).

On July 21, 2023, Qualico requested an extension to the deadline for submitting requests to participate. On July 26, 2023, AER amended the notice of hearing and set a filing deadline of August 10, 2023, for requests to participate, and August 17, 2023, for responses to requests to participate.

Qualico, Pembina Pipeline Corporation (Pembina) and Plains Midstream Canada ULC (Plains) were noted as parties to the hearing and asked to confirm their intention to participate in the hearing. On August 10, 2023, Qualico, Pembina, and Plains confirmed their intention to fully participate in the hearing.

On July 31, 2023, the AER received MLC's letter requesting to participate in the hearing. MLC did not file a statement of concern when the original application was filed.

MLC is a land developer managing or co-managing lands near or adjacent to Qualico's development in the Horse Hills and Marquis neighbourhoods.

MLC stated it will be adversely affected by the decision in the reconsideration, if the AER declines to decide or rejects the application, as it may impact the development of land that MLC manages or co-manages. MLC noted the proximity of the land MLC manages or co-manages to the area that is the subject of Qualico's amended application. MLC also stated it has had similar experiences with pipeline companies and can provide both a unique perspective, as a neighbouring land developer, and direct knowledge of dealing with pipeline companies during land development. MLC requested to participate in the hearing in support of Qualico's application. MLC would participate by submitting a presentation supporting the application and providing contextual information on land development in the subject area.

Qualico did not provide a reply to MLC's request to participate in the hearing. Pembina and Plains provided replies to the requests to participate, on August 17, 2023, and both stated that they took no position with respect to the filed requests to participate.

Section 34(3) of the *Responsible Energy Development Act* states that: "... a person who may be directly and adversely affected by the application is entitled to be heard at the hearing". In addition, the *Alberta Energy Regulator Rules of Practice* (Rules) give the hearing panel discretion to grant participation status to persons who have a tangible interest and whose participation will materially assist without materially delaying the proceedings or repeating or duplicating evidence. The participation provisions in the Rules are intended to ensure a fair and efficient process and the development of a complete record that enables the panel to carry out its mandate.

Based on panel's review of MLC's letter, MLC is a land developer who is managing lands near or adjacent to Qualico's project area, which is the subject of the amended application, and MLC has dealt with similar issues experienced by Qualico. Based on the panel's review of MLC's submissions, MLC has demonstrated a tangible interest in the subject matter of the hearing and may materially assist the panel in deciding this matter. Furthermore, the panel notes that the parties to this proceeding did not object to MLC's participation in the hearing. For these reasons and subject to further directions or rulings issued by the panel, the panel permits MLC's participation in the hearing to the following extent:

- filing written submissions according to the schedule to be set by the panel,
- speaking to its submissions in the hearing, and
- being available for questioning by the panel and by parties adverse in interest to MLC.

The panel encourages participants to seek opportunities to coordinate their efforts with others, if possible, to avoid duplication of evidence and provide for an efficient and timely process. This does not preclude separate submissions and appearances at the hearing.

If you have any questions, please contact the undersigned at hearing.services@aer.ca.

Sincerely,

Elaine Arruda
Hearing Coordinator

cc: D. Brezina and A. Huxley, AER Panel Counsel
G. Fitch, McLennan Ross LLP (Qualico Developments West Ltd.)
S. Munro, Bennett Jones LLP (Pembina Pipeline Corporation)
D. Naffin, Bennett Jones LLP (Plains Midstream Canada ULC)
S. Fash, BILD Alberta
J. Marchese and P. Shaver, Avillia Developments Ltd.
K. Rowe, Cantiro Group LP
K. Anderson, Urban Development Institute – Edmonton Metro
S. Duncanson, Osler, Hoskin & Harcourt LLP (Keyera Corporation)
I. Radzichowsky and K. Welland, Secure Energy Services Inc.
E. Dixon and M. Cherkawsky, McLennan Ross LLP (Brookfield Residential (Alberta) LP)
M. Davis, Melcor Developments Ltd.
S. Gerein, Qualico Developments West Ltd.